

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERON HUNTER,

Plaintiff,

v.

WASHTENAW COUNTY
SHERIFF JAIL, *et al.*,

Defendants.

Case No. 20-10534

Honorable Nancy G. Edmunds

**OPINION AND ORDER ACCEPTING AND ADOPTING THE MAGISTRATE
JUDGE'S OCTOBER 19, 2021 REPORT AND RECOMMENDATION [47]**

This is a pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983 by Plaintiff Theron Hunter, who is a state prisoner at the Bellamy Creek Correctional Facility in Ionia, Michigan. Upon initial screening, the Court dismissed the Washtenaw County Jail and its medical department as defendants in this matter and directed service of the complaint upon the remaining defendants. (ECF No. 7.) The Court also referred the case to Magistrate Judge Curtis Ivy, Jr. for all pre-trial matters. (ECF No. 10.) After Defendants Kathleen Holmes and Daryl T. Parker moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6), (ECF No. 28), Plaintiff filed a first amended complaint, (ECF No. 42). The matter is now before the Court on the Magistrate Judge's October 19, 2021 report and recommendation. (ECF No. 47.) In light of the filing of the amended complaint, the Magistrate Judge recommends denying Defendants' motion to dismiss as moot. The Magistrate Judge has also screened the first amended complaint and recommends dismissing the Washtenaw County Jail and Washtenaw County Jail's Medical Department as defendants for the same reason the Court previously dismissed these parties. No

party has objected to the recommendation to deny the motion to dismiss, but Plaintiff has filed objections to the screening of the amended complaint.¹ (ECF No. 48.)

Plaintiff's objections consist primarily of noting that certain claims and issues raised in his first amended complaint were not ruled upon by the Court. However, the Court does not have an obligation to address all of Plaintiff's claims at this early juncture of the case. Instead, the Court is only obligated to dismiss any portion of the complaint that is frivolous or malicious, that fails to state a claim on which relief may be granted, or that seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2). And to the extent Plaintiff notes he renamed the Washtenaw County Jail and its medical department as defendants in his amended complaint,² he has not identified any error in the Court's previous reasoning that these entities are not "persons" within the meaning of § 1983.

For the foregoing reasons, the Court OVERRULES Plaintiff's objections and ACCEPTS AND ADOPTS the Magistrate Judge's report and recommendation (ECF No. 47). Accordingly, IT IS HEREBY ORDERED that Defendants' motion to dismiss (ECF No. 28) is DENIED as moot. IT IS FURTHER ORDERED that Defendants Holmes and Parker file a responsive pleading to Plaintiff's first amended complaint within 21 days of the date of this order. FINALLY, IT IS ORDERED that the Washtenaw County Jail and

¹ Defendants Alvarez, Casey, Clayton, Schiappacase, and William filed a belated response to those objections. (ECF No. 49.)

² Plaintiff also notes he named several new parties as defendants in his amended complaint, but those parties, including Dana Doe, Rocky Doe Iseley, and John Doe nurses, were added to the docket as defendants upon the filing of the complaint. The Magistrate Judge's report and recommendation addresses the one party, Corizon Doe private corporation, that was inadvertently not added at the time and states it should be added to the case caption now.

Washtenaw County Jail's Medical Department are DISMISSED from this action.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 8, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 8, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager